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## VAGRANCY



# VAGRANCY

BEING A REVIEW OF THE  
REPORT OF THE DEPART-  
MENTAL COMMITTEE ON  
VAGRANCY (1906), WITH  
ANSWERS TO CERTAIN  
CRITICISMS

BY  
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## PREFACE.

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THE following essay contains the substance of two papers which I read this year before the West Midland and North Western District Poor Law Conferences. These papers were intended to supplement each other, but I hope I may be serving a useful purpose in combining them into one paper, with certain additions, so that it may form a complete review of the Report of the Departmental Committee on Vagrancy.

Of course, it is far better that those who are particularly interested in this important social question should read the Report itself; but a handy pamphlet drawing attention to its main points and answering certain criticisms which have been made upon its proposals may be found of service.



I have to express my thanks to Mr. F. L. Turner, whose invaluable services to the Departmental Committee as its Secretary cannot be over-estimated, for the kind help which he has given me in the matter.

W. CHANCE.

*November, 1906.*

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# VAGRANCY.

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THE Report of the Departmental Committee on Vagrancy was a unanimous one. This is a fact which should, I think, commend it to the most careful consideration of the country. When representatives of the Home Office, of the Local Government Board, and of the Prison Commissioners are united in their recommendations (for Mr. Simpson's memorandum is only a criticism of detail, and Captain Eardley-Wilmot's memorandum does not affect any of the recommendations), the evidence must have been very strong to bring about so striking a unanimity on so very complicated a subject.

To begin with, history shows very clearly that the question of vagrancy has never at any time been dealt with in a thoroughly scientific manner.

“ From the very start of the system—under which the vagrant ceased to be regarded simply as a criminal to be repressed, and became partly chargeable to the Poor Law authorities—his treatment has followed no general principles, but has been practically left to the whims and wishes of local administrators. The orders of the central authority, which were issued to secure uniformity of treatment, have wholly failed to do so; and a similar absence of consistency in the enforcement of the law has characterised the action of the police and the magistrates. Between the Poor Law and the police the vagrant has flourished. It

has been well said that the police authorities treat the vagrant as a criminal but do not punish him, while the Poor Law authorities treat him as a pauper but do not relieve him " (para. 431).

It is possible—I do not say it is probable—that, if the new Poor Law had from the very beginning refused to recognise the wayfarer as any other than a destitute person to be relieved in the ordinary way by an order for the Workhouse, as was indeed suggested to the House of Lords Committee of 1888, this might have been a solution of the problem. Such high authorities as Mr. Albert Pell and Mr. W. Vallance adduced very strong arguments in favour of this course before the passing of the Casual Poor Act of 1882, but the committee referred to definitely reported in favour of retaining the distinction between the vagrant and the ordinary pauper, and it is too late now to seek a remedy in that direction.

#### WHAT IS A VAGRANT ?

The term " vagrant " is a very elastic one, and as ordinarily used no precise meaning can be attached to it.<sup>1</sup> In the class four types may be distinguished. There is first the *bonâ fide* working man who has taken to the road in search of employment (para. 79) ; secondly, there are the men who are willing to undertake casual labour but who object to or are unfit for continued work (para. 81) ; thirdly, there is the habitual vagrant, the man who professes

<sup>1</sup> See Report, p. 3.

to be in search of work but has no desire to find it (para. 82); and lastly, there are the old and infirm wayfarers, who are unemployable, and crawl from one casual ward to another (para. 84).

Women are to be found among all these classes, though in small numbers, and to them perhaps a fifth class, that of children, may be added.

On the 1st January, 1906, the population of the casual wards in England and Wales was as follows :—

	In London.	Outside London.	Total.
Men . . . . .	897	7,761	8,658
Women . . . . .	213	663	876
Children . . . . .	4	170	174
Totals . . . . .	1,114	8,594	9,708

The frequenter of casual wards in London is to be distinguished from his provincial *confrère*.

"He seems to be a class by himself. He has a higher standard of comfort than the country vagrant, and looks down on the man who frequents shelters. . . . If he is not in a casual ward he is in prison, and detention, which acts as a strong deterrent in the country, appears to be ineffective in London, even where the detention is extended to four nights. The reason for this may be that the wards are better in London than in the country, and that the vagrant in the country generally has some objective, but in London he simply goes round from ward to ward. . . . Their ages are considerably higher than those of country casual paupers, more than half both of the men and women being over sixty years" (para. 110).

He remains a casual pauper till he dies, or until his infirmities compel him to enter the workhouse.

## THE PRESENT SYSTEM AND ITS FAILURE.

The present system of dealing with vagrants under the Poor Law by means of casual wards attached to workhouses and its failure is described very fully in the Report (paras. 88—119). Diversity of practice is its most striking characteristic. In a number of unions the administration of the law and of the regulations is practically a dead letter. In the counties of Gloucester and Wilts what is known as the "way-ticket" is in force. This system is a very different one from that recommended by the committee. It was established with a two-fold object: "first, to enable the needy wayfarer to move through the county towards his destination by the most direct route and without unnecessary delay; and secondly, by providing him with lodging, supper, and breakfast at the casual ward and with a mid-day meal on his route, to remove all necessity for begging from the public" (para. 156).

The plan adopted is as follows:—

"On entering the county a vagrant applies to the assistant relieving officer for vagrants, generally a policeman, who issues to him a way-ticket, on which is marked the man's description, the place that he comes from and his destination. On the ticket are spaces for the names of the casual wards he will pass on his route through the county toward his destination, and a list of stations at which he can obtain a mid-day meal of bread. With the ticket the vagrant goes to the casual ward and is treated in the ordinary way; he gets his food night and morning

and has to do his task. When he leaves the ward in the morning, the master of the workhouse or the superintendent of the casual ward marks on the ticket the name of the casual ward to which he should next go in the direct route to his final destination, and also the name of a bread station where on presentation of his ticket he can get eight ounces of bread. The bread station is sometimes at a police station, and is as nearly as possible mid-way between casual wards. If the man arrives in the evening at the casual ward marked on his ticket he has what is called a 'good ticket'; but if he arrives at some other casual ward, or has no ticket at all, he would be considered a 'bad ticket' man. The practice is to detain for one night (instead of two nights as directed by the Order of the Local Government Board) the man with the good ticket, who shows that he is passing as quickly as he can to his destination, and to detain for two nights the man with the bad ticket. A man who is without a way-ticket can, however, obtain one in any union after two nights' detention, and while keeping to the route described in the ticket, would be treated as a 'good ticket' man. It will be seen that an advantage is offered to the man who adheres to the route he has originally stated: he gets only one night's detention, and after doing a small task the next morning, nominally three hours' work, he can start off again on his journey" (para. 159).

In other counties the vagrant is relieved in the casual ward, and has or should have a task of work set him to do in return for his food and lodging. He leaves the casual ward without any supply of food or any chance of getting any, unless by means of money which he may have concealed or have obtained by force or by begging.

In the counties of Dorset, Hereford, and Worcester,



however, a mid-day meal of bread is provided through county mendicity societies for wayfarers, who present bread tickets. These tickets are distributed by subscribers to the societies and by the police; and they are not limited to vagrants who come from the casual wards (see paras. 163—166).

The regulations for the management of all casual wards require that the vagrant who resorts to them should be searched, washed (his clothes being taken away and if necessary disinfected) and provided with a night shirt. He must be detained two nights, and his two breakfasts and suppers are to consist of eight ounces of bread or six ounces of bread and a pint of gruel or broth at each meal. His mid-day meal consists of eight ounces of bread and one and a half ounces of cheese, or six ounces of bread and one pint of soup. He has to do a task of work on the second day after admission.

If he is admitted to the same casual ward more than once in a month he must be detained for four nights.

But the regulations are not or cannot be observed. In many unions the vagrant is detained for one night only, he is not regularly bathed and searched, and sometimes no task of work is enforced. The wards also vary in diet and in every other respect. In short there is the most extraordinary variety of practice, and the Local Government Board has never been able to secure uniformity of treatment. Indeed the evidence showed "the practical impossibility of obtaining any uniformity. It i-

clear that this must be the result when the administration is in the hands of over six hundred independent authorities who are actuated by no common principle except to get rid of the vagrant as cheaply as possible" (para. 115).

Under these circumstances it is not difficult to understand why the present methods have not succeeded in checking vagrancy.

#### THE GENERAL PROPOSALS OF THE COMMITTEE.

Having come to the conclusion that a thorough reform was necessary, the committee felt it imperative to make definite recommendations to that effect.

Their proposals may be ranged under two main heads, the first dealing with the relief of vagrants, and the second with their punishment and treatment when convicted of repeated vagrancy offences. As to the first the committee thought that casual wards would still be required for male vagrants, but should be transferred from the care of the guardians to the police authorities, viz., the standing joint committees in counties and the watch committees in separate police boroughs. Male vagrants would thus be relieved under the directions of the police. Generally the treatment in the casual wards would be on the same lines as now, but there would be uniformity in task, diet, and detention.

As to women and child vagrants, of whom the number, as has already been shown, is comparatively

small, the committee considered that the workhouse was the most suitable place for their relief.

To meet the hardship that under the present system the vagrant was not provided with a mid-day meal on the road from one casual ward to another, the committee suggested means for supplying rations of food for all men leaving casual wards, and for all women and children when they leave the workhouses, while they recommended that the *bonâ fide* work-seeker on tramp should be provided for by a scheme of way-tickets, based largely on the successful system now in force in Switzerland.

The other branch relates to the punishment and remedial treatment of persons convicted of repeated vagrancy offences. In lieu of a series of terms of short imprisonments which have no useful effect on the vagrant, the report suggests the identification of persons convicted of previous vagrancy offences and their detention for terms varying from six months to three years in institutions where their treatment might have better results than follow from ordinary imprisonment. These institutions—labour colonies—to which persons convicted as “habitual vagrants” would be sent, are to be provided in the first instance either by religious or philanthropic societies, or by the councils of counties or county boroughs, half of the cost of maintenance being borne by the State.

## ADVANTAGES OF THE PROPOSALS.

The historical and practical arguments for the transfer of the relief of vagrants from the guardians to the police are fully set out in the Report, and there is no necessity to recapitulate them here.

“It appears to have been a mere accident that Poor Law authorities, whose main duties are in relation to the poor settled in their own neighbourhood, should have been burdened with responsibility for the care of persons travelling from other and often distant districts. . . . The care of the vagrant may be regarded rather as an excrescence on the Poor Law than as an integral part of the system” (para. 125).

The advantages to be derived from the transfer seemed to the committee to far outweigh any possible disadvantages. They may be classified under the following heads:—

*(a) Uniformity of Treatment.*

Firstly, more uniformity of treatment can be secured.

“The present system neither repels nor reforms the vagrant. It is agreed that the essential condition of success is uniformity of administration, but the evidence is overwhelming to the effect that this object is not attained. In most cases the orders of the Local Government Board are evaded and in many absolutely disregarded” (para. 113).

Even in London, where the casual wards are, for the purpose of detention, considered as one ward, no real uniformity has been secured; some

guardians do not detain, some give one task, some another, and some practically none at all.

If a popularly elected body choose to snap its fingers at the central authority, what is the latter to do? It is, of course, powerless. On the other hand, if a paid official is found neglecting his prescribed duties, he can be at once dismissed, and replaced.

*(b) Extension of Area.*

Secondly, the area of chargeability and maintenance can be enlarged, which is generally admitted to be essential.

It may be maintained that this can be done by the combination of boards of guardians for the purpose; but every experienced guardian knows how difficult it is in practice to form any such combination which will work satisfactorily.

"It would mean setting up a new authority for the purpose. To this there are many objections; much additional cost would be involved, and difficulties in administration would inevitably occur between the individual boards of guardians and the joint body. Even if such combination did attain the end of getting a uniform administration of the wards in a county, there would be no means of obtaining a uniform system as between different counties" (para. 122).

On the other hand, the standing joint committees in counties, and the watch committees of separate police boroughs have the control of the police within their areas. These areas are large and populous,

and the cost of the vagrant is therefore necessarily spread over a wide district.

*(c) Fewer Casual Wards.*

Thirdly, the scheme will enable a considerable number of casual wards to be dispensed with.

When the workhouses were established no regard was paid to the wants of the vagrant class. They were placed where they would be most convenient to the guardians and to the settled poor. As the vagrant by slow degrees fastened himself on to the Poor Law, the casual ward was attached to the workhouse, not because this was best suited to his wants, but because it was the easiest arrangement. Casual wards should, as far as possible, be placed on the main roads of the country, and not, as the workhouses often are, on by-roads. It is essential that vagrants should not be encouraged to depart from the high roads.

"The standing joint committee would be able to secure a much better arrangement of wards in the county than at present exists—for instance, by closing some that are unnecessary or by placing others where they are most wanted" (para. 130).

The reduction in the number of casual wards will also be facilitated by the different treatment suggested for the "habitual vagrant."

*(d) Male Vagrants under one Control.*

Fourthly, the transfer to the police authorities has the advantage of bringing the male vagrant

population under one undivided control. The Report points out what a very large majority of this class are professionals: and further, "it must be remembered that habitual vagrants, who constitute a large proportion of the vagrant class, are often potential criminals, and the police might be greatly helped in the prevention and detection of crime by having the whole class under their surveillance" (para. 126). There is little to distinguish these from the criminal class of the population. If their crimes may be petty in most cases, they are crimes all the same, and are committed, like other crimes, as opportunity offers. The police will not be taken away, therefore, from their proper duties.

The committee propose that after each conviction for a vagrancy offence the finger prints of the offender should be taken, and the result sent to a central office. There is no practical difficulty about this proposal. At present, in the Habitual Criminal Registry at New Scotland Yard, accurate records are kept of over 70,000 persons, and it would be possible in a similar manner to keep a record of all persons convicted of vagrancy offences (see para. 224).

#### THE RELIEF OF VAGRANTS.

##### (a) *The Bonâ fide Wayfarer.*

For the *bonâ fide* wayfarer, the committee suggest a system of "way-tickets" or passes

similar to that which has answered so well in Switzerland. If a person of this class out of work has no other means of getting to a place where he has heard of work except by taking to the road, he can apply to the nearest police-station for a way-ticket, which will pass him to the place to which he wishes to go. But before the ticket is granted he will have to satisfy the police as to his *bona fides*, e.g., by "his having worked at some employment (other than a casual job) within a recent period, say three months, and that he has reasonable ground for expecting to get work at a certain place, and that he is likely to keep it, or that he has some other good ground for desiring to go to some particular place. A case that might be dealt with under the latter description is the sailor who has missed his ship and wishes to get to some other port" (para. 178).

"The ticket should give the man's personal description, his usual trade, his reason for wanting to travel, and possibly his finger prints for the purpose of testing identity. It should be in the form of a book, with spaces on which should be stamped the name of each casual ward visited. We think that the duration of the book should be limited to a certain period, say one month. With this book the man could go to the casual ward and be entitled to a night's lodging, supper and breakfast, and after performing two hours' work to help to pay for his food and lodging, he should be free to leave the ward whenever he likes. The name of the next ward in the direct line of his route, which he can reach that night, should be entered in the book, and if he arrived at that place he should be treated in the same manner. The book



would thus be a record of the man's journey, and show clearly on the face of it whether he is genuinely in search of work" (para. 179).

As a further privilege, he is to be given on leaving the casual ward a ration of bread and cheese for his mid-day meal. Provision is made for enabling him to alter his route, if, while he is on his journey, he hears of work available at some other place to the right or left of the route marked on his way-ticket.

(b) *The Ordinary Vagrant.*

As to the ordinary vagrant—the man without a ticket—no change is suggested in the existing regulations, except as to the nature of the task to be performed, and as to the provision of a mid-day meal. Thus he is to be detained for at least two nights in the casual ward, and, in case he has been admitted to the same ward more than once during the same month, for at least four nights. But the task of work to be performed is to be measured by time (nine hours), and to be of such a nature that it can be performed by anyone. Thus the expert will have no advantage over the novice, as at present. Two kinds of work are especially recommended for ordinary cases, viz., stone pounding and corn grinding. "The tasks are useful, they can be performed by anyone without previous experience, and are not costly in working." "To those who are not physically able to perform the ordinary tasks, lighter work should be given, such

as wood chopping, wood bundling, sack making, waste paper sorting, etc." But oakum picking is not entirely condemned, and the committee were informed that it could now be utilised in large quantities for paper making (para. 149).

The advantages of a mid-day meal have been proved in Gloucestershire and Wiltshire, and the committee therefore recommend that this practice should be universally applied, and that the ordinary vagrant should receive an order on his leaving the casual ward, which would enable him to obtain his bread and cheese at some specified place (preferably a police station) in the direction towards which he states that he is travelling. It is hoped that when the public know that this mid-day meal is supplied they will cease from that thoughtless giving to the tramp, which is unfortunately beyond the powers of legislation or administrative action to prevent; for "were it not for the indiscriminate dole-giving there would be little necessity for casual wards or labour colonies for the vagrant, and idle vagrancy, ceasing to be a profitable profession, would come to an end" (para. 436).

(c) *Female and Child Vagrants.*

For female and child vagrants the committee suggested a different form of treatment. It is a gratifying circumstance that this class should be comparatively so few in number (see p. 3, *ante*). The committee recommended that both classes should be relieved in the workhouse, for the very forcible

reasons given in the Report (see Chapter XVII.). Further, the probability is very strong that if the men are removed, women and children will soon disappear from the roads. For the habitual female vagrant probably one or two labour colonies would amply suffice, while the children of both male and female habitual vagrants can be sent to industrial schools or dealt with in such other way as may be thought best for them.

Boards of guardians have, of course, the power to adopt these children under the Act of 1899, but they rarely use this power, because they are unwilling to throw upon the local rates the burden of the maintenance and education of children who are not settled in their unions, or go to the trouble and expense which would be involved in an attempt to ascertain their place of settlement. The committee, therefore, recommended that county councils should be empowered in proper cases to make a contribution from the county rates towards the cost of the maintenance of vagrant children adopted by the guardians.

*(d) Vagrants Wandering to their own Hurt.*

There is another class of vagrant, for whom a labour colony would be useless, and who require special treatment. These are described in the Report as "vagrants wandering to their own hurt." For this class, the workhouse is undoubtedly the best place, and the committee suggested that

power might be given for their compulsory detention there. But the proposal means a drastic alteration of the Poor Law for their benefit, with which the Poor Law Commission must deal, along with the cognate question of the compulsory removal of certain of the settled poor to the workhouse. Every guardian knows these difficult cases, for whom every one is agreed that the workhouse is the proper place, but who cannot be removed there without their consent, and who have not the intelligence to know what is best for them.

#### PUNISHMENT AND TREATMENT OF HABITUAL VAGRANTS.

I have now pointed out the treatment that the committee proposed should be accorded to the *bonâ fide* wayfarer with a pass and to the ordinary vagrant without such pass. Everything possible is to be done to help the former on his way, and to prevent the risk of his joining the latter class. So long also as the latter commits no offences against the vagrancy law he will not be interfered with, but every deterrent to his pursuing a wandering life is to be placed in his way, by detention, by the task of work, and by an unattractive but adequate diet.

I have also referred to the special treatment to be awarded to female and children vagrants and to vagrants wandering to their own hurt.

There remains the larger class who bring

themselves from time to time under the criminal law, *i.e.*, under the Vagrancy Act of 1824, and subsequent extending or amending Acts.<sup>1</sup> These are the habitual vagrants, and who are qualified to be treated as incorrigible rogues within the meaning of these Acts (see para. 217). But the evidence showed how few of them are now actually dealt with in this manner. This seems to be chiefly due to the difficulty of identifying the man and proving his previous convictions. By moving into another district the vagrant practically escapes all chance of identification, and is able to pose as a first offender. Even in cases where the previous convictions of the vagrant are known, there is often a reluctance on the part of the magistrates to avail themselves of the powers conferred on them (*ibid.*). The reason for this reluctance may well be because magistrates feel that prison under present conditions is not the right place for this class of offenders, and if the detention were to be undergone in some other form of institution, the disinclination to put the Act in force would be considerably lessened (para. 219). "The absolute necessity of some other mode of dealing with persons of this class is fully shown by the evidence ; prison is no deterrent to them, and they come up again and again for sentence with surprising regularity. . . . The evidence is overwhelmingly in favour of increased power of detention for habitual vagrants" (para. 220). He

<sup>1</sup> A list of these Acts is set out in Appendix I. of the Report.

should as far as possible be treated not as a criminal, but as a person requiring detention on account of his mode of life. The committee therefore proposed that a class of habitual vagrants should be defined by statute, and that this class should include any person who has been three or more times convicted during a period of, say, twelve months, of certain offences now coming under the Vagrancy Act, viz., sleeping out, begging, refusing to perform a task in casual wards, or refusing or neglecting to maintain himself so that he becomes chargeable to the poor rate (para. 221).<sup>1</sup> No new offence is created, but a new punishment. This new punishment is committal to a labour colony for a term of not less than six months, or more than three years. But, although the committee were of opinion that the labour colony and not the prison was the proper place of detention for these persons, they did not propose that the present procedure should be abrogated. It might be useful in some cases, and will certainly be so, until the colony system is fully carried out.

Since the habitual vagrant, as proposed to be defined, is punishable as an "incorrigible rogue" under the Vagrancy Acts, the sentence to detention in a labour colony can only be made by quarter sessions; but where the interval between the committal by the magistrates at petty sessions and

<sup>1</sup> "Under this proposal a means is provided of enabling the Poor Law authorities to deal with the class of 'ins-and-outs' who now cause considerable trouble in workhouse administration" (*ibid.*).

the next ensuing quarter sessions is sufficiently long (the interval may be three months), the committal should be to the labour colony rather than to the prison; and where the interval is only a short one the police authority should arrange for the offender being sent temporarily to some casual ward under their control, if proper arrangements can be made for his reception (para. 223).

#### THE LABOUR COLONY.

It is not necessary to go fully into the description of the labour colony which the committee proposed. The general idea of a labour colony has been so much discussed that it is by this time well known. Not too much is to be expected from them, and their reforming influence is almost *nil*. Thus at Merxplas, in Belgium, as soon as one period of detention is over, the colonist is generally sent back to the colony for another term. Even at Hadleigh (the Salvation Army colony), where reforming influences are as strong as they can be, the percentage of persons who can be said to have been reformed is very small.

##### (a) *Its Value.*

But what labour colonies do accomplish is this. They clear the streets of beggars and loafers, they make these people work while in the colony, and they prevent them during their term of detention from doing harm to the general public, and from

raising up children to succeed them (para. 273). I am sorry that the committee were not able to defend the labour colonies on any higher ground, but it seemed to them quite sufficient for recommending their establishment as a very desirable addition to the existing system.

“There is a consensus of opinion that the evil resulting from the present conditions is so great that it is worth while going to the trouble and expense of making the experiment. We consider that the need of some power of keeping habitual vagrants in detention for long periods is clearly proved, and in view of the impossibility of making a prison serve the purpose, we feel we have no alternative but to recommend that compulsory labour colonies should be established in this country. Even if they are not successful in achieving greater reformatory effects than the existing labour colonies abroad, we think that at least they may clear the streets of the habitual vagrant and loafer, may make him lead a more useful life during his detention, and may offer a real deterrent to those starting on a life of vagrancy” (para. 276).

*(b) How Provided.*

For reasons which are set out fully on pages 74 to 76 of the Report, the committee came to the conclusion that it was inadvisable in the first instance that labour colonies should be provided directly by the State. Following the precedent of inebriate reformatories, they thought that the initiative should be left to private or local bodies. They wished the colonies to be looked upon more as industrial or reformatory schools for adults



than as prisons. "Moreover it should not be forgotten that prior to 1877 local prisons were in the hands of local bodies" (para. 282). But the colony must be certified by the Secretary of State, be managed in accordance with regulations issued by him, and be subject to official inspection.

"We think generally that it should be for the council of a county or county borough to make arrangements for the provision of a labour colony to which habitual vagrants committed from the area might be sent. This they might do either by contributing towards the maintenance of a certified labour colony established by the council of some other county or county borough or by a philanthropic body, or by establishing a labour colony themselves. *We do not contemplate that there should be a separate colony for each county*" (para. 284).

(c) *Contribution to Expenses.*

Considering the relief which the proposed colonies will afford to the prisons, it is only fair that the State should make a direct contribution to their cost. The committee suggested that this contribution should be one-half of the cost of maintenance of each colonist. When the colony is under private management, the other half of this cost is to be paid by the local authority from whose area the colonist is committed. If a local authority itself manage the colony, it will be responsible for the payment of this half for the colonists coming from its area.

"The contribution, however, should not be so large as to cover the gross cost of maintenance; for

instance, a margin should be left to be made up by the colonist's labour; this would be an inducement to the authorities of the institution to keep the men fully employed, and to get the best work out of them" (para. 288).

*(d) Size.*

As to the size of the colonies, the committee came to the conclusion that the number of inmates should not exceed 500. With a larger number the difficulties of control, management, and classification would be very great. Smaller colonies would be costly, and, besides, it does not seem desirable that they should be multiplied (see para. 293).

*(e) Work.*

The work to be done in the colony must not be limited to agriculture.

"On wet days throughout the year, in frosty weather, and, indeed, during a great part of the winter, but little farm work could be carried on. Again, some of the colonists would be quite unfitted for work of this character; and lastly, there would be difficulty in disposing of the surplus agricultural produce without affecting outside industries" (para. 299).

There must, therefore, be indoor industries. The colony should be, as far as possible, self-supporting; that is, it should erect its own buildings, and produce all the things it requires. If the work it does is not to be allowed to conflict with outside industries, it seems only fair that outside

industries should not be allowed to conflict with its own industries. There is no reason why the various colonies should not supply each other with the commodities which each one was best fitted to produce.

“For instance, one colony, on account of the soil, might be able to make bricks cheaply, and in sufficient quantities for all the other colonies. Again, proximity to a stream might enable another colony to establish mills of various kinds, and it might be possible to start new industries which would not interfere with existing interests. This was done at Merxplas, where the button-making industry was started for the first time in Belgium. Mr. Preston-Thomas, in his evidence, suggested the making of straw cases for wine bottles as a useful occupation for men who were not able-bodied, which would affect no English industry; and no doubt others could be discovered. For instance, the sorting of rag and paper from refuse heaps would be a remunerative occupation. Possibly certain goods required by the Government, such as boots for the army, might be made in labour colonies. Care must be taken that when goods are produced by a colony for sale, the independent producer is not undersold. It is important that industries of a useful kind should be established in the colony so that the work might be an encouragement to the colonists, and that there might be work for all. Land reclamation and the erection of buildings would provide a useful occupation at first, but after this had been accomplished there would be the greater necessity for other industries” (para. 302).

*(f) Encouragements to Good Conduct.*

The colonists can be encouraged to good conduct in the colony by earning money for their work (a

portion to be accumulated for them on discharge, and a portion to be handed over to them weekly to spend at the canteen of the colony in the purchase of extra articles of food, tobacco, etc.) ; by a better dietary ; by the possibility of discharge before the full term of sentence expires ; and in other ways. This system works well at Merxplas, and there is no reason why it should not work well here.

"The knowledge that only by industry and good behaviour can any privilege be obtained can hardly fail to be beneficial" (para. 290).

(g) *Cost.*

The committee estimated that the *net* cost of food, clothing, and maintenance in the colony should not exceed 4s. weekly, or £5 8s. per year for each colonist.

"In considering the question it is necessary to remember that at present the habitual vagrant, whether as beggar or as inmate of casual wards or prison, is a continual source of expense to the community. It is at least possible that the scheme which we propose for the retention of this class may be found on the whole less costly than the existing system" (para. 303).

(h) *A State Colony.*

It may be necessary to have at least one labour colony under the *direct* control of the State, "for it will no doubt be found that certain of the habitual vagrants will not be amenable to the

discipline of the ordinary labour colonies, or from their repeated escapes and recommittals will need a more severe treatment." This colony would be of an entirely penal type, possessing no attractions over the ordinary colonies, either in diet or other respects (para. 305).

#### ANSWERS TO CRITICISMS.

It was not to be expected that the radical reform recommended by the committee would be at once accepted. I shall now try to answer the main criticisms to which it has been subjected.

##### (a) *The Transfer to the Police.*

It has been suggested that the transfer of the casual wards to the care of the police authority will render the vagrant unwilling to apply for the hospitality of the wards.

No doubt the habitual vagrant who has committed offences will become somewhat shy of the wards when they are under police control or supervision; and this is the intention. At present things are easy for him; he is encouraged in his idle and useless life, and he has little fear of detection, for he can avoid the police without difficulty. But the committee had no intention to prevent such a man using the wards. Even the professional vagrant will find them open to him, and there need be no fear that he will be driven to sleep out. He

may indeed go more to the common lodging house, but the cost of that will tend to diminish his wanderings. What will happen when he uses the wards will be that he will find everywhere uniform enforcement of task and detention, with a uniform diet, and he will be subject to police supervision which will enable him, if an offender, to be easily traced.

In the case of the man who is wandering in search of work the conditions under the system we propose will be far more satisfactory than at present. The way-ticket recommended by the committee for a genuine work-seeker will prove an "open sesame" to preferential treatment at the wards on his route. Whether a task is enforced or not in the case of the way-ticket man depends on the central authority which sets up the system—the committee thought a light task of an hour or two would be an advantage in promoting a feeling of independence and affording some return for the assistance granted at the cost of the rates. If the genuine working man on tramp does not take the trouble to procure a way-ticket he cannot expect to receive the advantages of that system, but even then the wards are open to him and the conditions for him will be much the same as the existing regulations require; and if he has not committed offences he need have no fear of the police control of the wards. In any case there is no real reason for the vagrant *qua* vagrant objecting to the police; indeed he may receive as kindly treatment from

them as can be experienced at the hands of the present casual ward officials.

The committee expressed their opinion on the point as follows :—

“In the first place, the evidence shows that the *bond fide* wayfarer supplies but a very small proportion of the total number of vagrants,<sup>1</sup> and we have no reason to suppose that the police would treat this class in any way more harshly than is done under the present system. Indeed, we recommend a much more efficient system of relief for the work-seeker than exists at present, and we think he might properly look to the police for assistance and guidance on his way. Again, this detection and prevention of crime is only one—though no doubt the most conspicuous—of the multifarious duties performed by the police. For instance, the granting of pedlar licenses, the billeting of soldiers on the march, the regulation of traffic, the work done in connection with the licensing of public houses and with coroners’ inquests, and the impounding of stray cattle, are a few examples of work which brings the police into contact with every class of the community, in addition to their functions in the general preservation of order. It may be mentioned, too, that in thirty-six counties the police now act as assistant relieving officers for vagrants, and orders for admission to the casual wards are obtained from them. Having given this matter careful consideration, we have come unanimously to the conclusion that no hardship whatever would be inflicted on the honest wayfarer by making it necessary for him to seek shelter at a place where the police authority has control rather than at one controlled by the Poor Law authority.

<sup>1</sup> “In the opinion of the Workhouse Masters’ Association the proportion is less than three per cent. The president of the Poor Law Unions Association puts it at two or three per cent. Mr. W. Crooks, M.P., did not think it would be more than one per cent. in London ” (para. 79).

On the contrary, we consider that under the system we suggest a man may pass to his destination with a guarantee of character and a protection which no authority could furnish so efficiently as the police, while to the habitual vagrant the transfer to police supervision will no doubt be a deterrent " (para. 126).

*(b) Divided Authority.*

Another criticism is that difficulty is likely to be caused if the present wards are put under the police. This criticism applies chiefly to the wards which are now at the workhouse. Where the wards are entirely separate from the workhouse I do not see that the least difficulty can arise. The building will be taken over by the police authority at a rent, while the existing staff can be continued as officers of the police authority.

But where the casual wards adjoin or form part of the workhouse it is suggested that friction may arise either in the continuance of the master as superintendent of the wards, when he would be practically under two masters, or, if a police officer is appointed superintendent, in his power of access to the workhouse. I admit that in these as in other points of detail under the new scheme there may be some slight difficulties, but they are not such as cannot easily be provided for. It is not intended that where the present casual wards cannot be separated from the workhouse and given a separate entrance that they should be transferred to the police. In such a case, if casual wards were needed in that district, new buildings would have



to be provided. But it should be clearly understood that under the committee's proposals the number of casual wards will be greatly reduced. At present, casual wards are frequently too close together and many are superfluous. This has resulted from the position of the workhouses. Under our scheme many of these superfluous wards, therefore, could be given up as casual wards, and would be available for use by the guardians for the ordinary indoor poor, and might assist their better classification.

It was to save expense that the committee suggested that where necessary the existing wards should be still used as casual wards if proper arrangements could be made. The whole matter would be one for amicable arrangement between the guardians and the police authority, and there should be little difficulty in settling affairs to their mutual advantage. If the present wards are separate or can be separated from the workhouse it is certainly preferable that they should be used ; the police authority would be saved the expense of providing new buildings, and the guardians would get rent for the wards. And it would be to the advantage of the workhouse master in a small workhouse to continue to act as superintendent of the wards ; for that purpose only he would become an officer of the police authority, and so far as the management of the wards was concerned would be subject to supervision and control by them. In a small place these duties need not interfere with the

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discharge of his functions as master of the workhouse. The duties of the two offices would be clearly defined, and I see no reason why friction should occur.

Of course if the existing superintendent of the wards could not act both as an officer of the guardians and of the police authority, it would be necessary for the latter to appoint an officer *ad hoc*.

When the casual wards adjoin or form part of the workhouse, the committee thought that much trouble would be saved by the supply of food, etc., from the workhouse. This could most easily be arranged for at a fixed charge per vagrant per night, the food, etc., being supplied on a written demand by the superintendent of the ward (either the workhouse master or police officer). It may be observed that the proposals as to dietary in casual wards will render the supply of food a much more simple matter than formerly. There will be one fixed diet all over the country.

In considering the details of the transfer of the wards it is necessary to remember, as I have already said, that the whole matter is one for arrangement between the two authorities.

*(c) Female and Child Vagrants.*

Objections have been raised to the admission of women and children vagrants to the workhouse instead of to the casual wards. These objections are principally that inconvenience might be caused in the workhouse by the admission of vagrants as

ordinary inmates, and that where husbands and wives are on tramp there would be difficulty in their meeting again if the man went to casual wards under the police while the woman was received into the workhouse possibly some distance away.

The first objection is an administrative one which in practice could easily be met ; for instance, the receiving wards could be used for suspicious cases, and there are few workhouses without accommodation that could be made available on an emergency. The other objection loses much force when one considers that very few husbands and wives are on tramp together, and that it is often the case that the women go to the common lodging house while the men avail themselves of the casual wards. The Report suggests that where the husband and wife on tramp have a way-ticket the woman should be allowed to discharge herself from the workhouse in time to meet the husband the following morning.

Frankly, I attach little importance to these objections. On the other hand, I am convinced that the change suggested would have great advantages. There are but few cases of women vagrants *bonâ fide* in search of employment. Even for them the workhouse will give a better chance of obtaining their object. For the professional woman vagrant who drags children round the country for the sake of exciting charity, the workhouse will be deterrent, and will at the same

time offer a real opportunity of reclaiming the children from their vagrant life.

In order to receive women in the casual wards it is necessary to keep female officers, and even then there is not always a safeguard against those evils which Mrs. Higgs pointed out to the committee in her evidence. The removal of women from the wards does away with the need for a double staff, and at once greatly simplifies the scheme for transfer to the police.

There is a real hardship often felt under existing conditions. An old woman comes to the casual wards badly needing a rest and care, but is turned away after the one or two nights as the case may be. In the workhouse she will have an opportunity of recovering her strength.

For both women and children there is no question as to the humanity of the proposal we make.

*(d) Interference with the Liberty of the Subject.*

It is alleged that the proposals of the committee constitute an interference with the liberty of the subject which the nation would not allow. The objection is taken mainly to the establishment of labour colonies. This view seems to me to be put forward under a misapprehension. The committee make no general proposal for the detention of all vagrants; their scheme is, in fact, but a slight extension of the present law. The incorrigible rogue, who is the man convicted for a third time of a vagrancy offence—either begging, sleeping

out, etc.—can, under the existing Vagrancy Act, be sent by quarter sessions to prison for twelve months with hard labour. Here is the principle already in force for the compulsory detention of habitual vagrants. But this system has failed, firstly because there is great difficulty in tracing the previous convictions, and it is comparatively rarely that an habitual vagrant offender gets treated as an incorrigible rogue, for he can generally make his way into another sessional district and start with a clean sheet: and secondly, because prison has proved a wholly unsuitable place for the treatment of vagrant offenders.

It must be remembered that it is no part of the committee's proposals to shut up the vagrant who simply wanders. Unless a man commits certain acts which are offences under the existing law, *i.e.*, begging, sleeping out, insubordinate conduct in the casual wards, and neglect to maintain himself (when physically able to do so), so that he becomes frequently chargeable, he would in no way come within their scheme for detention, and would still be free to wander at will. What the committee did was to recognise that even a year's imprisonment in our local prisons neither acts as a deterrent to the ordinary vagrant, nor affords any means of reforming him; that the offences of the vagrant are due more to his mode of life than a criminal intent, and for this he requires remedial treatment; and that such treatment can best be given in institutions of the labour colony type.

That liberty of the subject, which we all respect, should not include licence to commit offences, and when the vagrant by repeated offences proves himself an habitual, it can be no breach of the liberty of the subject to prescribe for him a period of detention, both for his own reformation and for the defence of society. Instead of a year's penal treatment in a prison, detention under reformatory influences, the length of which will within certain limits depend on the man's conduct, is suggested. No case would be sent to a labour colony but under proper safeguards. The proof of the man's habitual offences being established, it would be for quarter sessions to direct his detention and fix the period, and this period could be reduced by the colonist showing improvement in his ways. I actually heard a member of the House of Commons, who supports the Trades Unions' Disputes Bill, raise this objection. That is, he is perfectly ready to prevent an honest working man from working for whom he will or for what wages he likes, while he objects to punishing the habitual offender against the vagrancy laws by depriving him of his liberty for a time to carry on this dishonest life. Surely there is a want here of what Mr. Haldane has called "exact thinking."

While, then, it does not seem to me that there is in fact any breach of the liberty of the subject, on the other hand, the advantage of the scheme is great. The harm done by the habitual vagrant being at large and free to commit offence after

offence, the expense and difficulty caused by his frequent short imprisonments, his interference with the unemployed problem, are reasons which amply justify and render necessary the proposal made by the committee. It is important to bear in mind that the vagrants to be sent to compulsory labour colonies are limited to this class, and that therefore not many of these colonies would be wanted, a point which bears very materially on the question of expense.

*(e) Combination by Boards of Guardians.*

It has been argued with much force that boards of guardians can by combination provide the necessary labour colonies. Putting aside the fact that the argument is contradictory to the main proposal of the committee that the Poor Law authorities should be relieved of the care of the male vagrant, the proposal is open to objections which render it to my mind impossible of acceptance.

If each board of guardians were empowered to provide a labour colony, it would probably lead to very large expense, and might mean the establishment of some hundreds of colonies, each providing treatment of a different kind; besides, the area is not large enough. And to the provision of labour colonies for vagrants by combinations of guardians, *e.g.*, by a joint committee of the boards of guardians in a county, there are also many objections. Joint bodies are notoriously difficult

of working, they are expensive, and there is an absence of direct control and responsibility.

Moreover, there are general objections to provision and management by boards of guardians of institutions of the kind suggested. In the first place, it is not proposed that any part of the expenses should come directly from the poor rate. Secondly, it is not likely, as I have said, that any great number of these labour colonies will be required.

Again, the opinion of the committee was that it was likely that more good would result and that the experiment would be worked more cheaply if it was left generally to philanthropic societies to manage the colonies ; and although it was suggested that power be given to County Councils to establish labour colonies, if necessary, it was felt that in practice the matter would be better left to private agencies, the County Councils confining themselves to their power of contribution towards the maintenance of cases sent from their district. It must be borne in mind that such colonies would be under the strict regulations and general supervision of the Home Office.

One great feature in the labour colony system would be the exercise of personal influences : it is in an institution under private management that the individual would be more likely to be benefited and to be brought in contact with reformatory and religious influences.

Another point is that the duties of a board of



guardians are primarily the care of the pauper and the relief of destitution ; it is clearly outside the scope of these duties that they should be burdened with the care and maintenance of vagrant offenders and the management of institutions which are intended as a substitute for prisons. The Report in effect suggests that the labour colony should be an adult reformatory school ; and the Committee's scheme is based on the lines of the inebriate reformatory system. Neither of these institutions are under the guardians.

Indeed the chief ground that can be urged for giving the control of labour colonies for vagrants to the guardians is that at present the casual pauper is relieved by them ; but this the committee wished to alter. To put practically all vagrant offenders under the guardians is directly contrary to their main recommendations, that the male adult vagrant should be entirely under the control of the police authorities.

*(f) A New Form of Imprisonment.*

It has also been argued that it is not worth while to go to the trouble and expense of establishing a new kind of prison for a particular class of offenders. I think the Report of the committee affords a sufficient reply to this argument. It shows that on account of the mode of life and character of the vagrant an ordinary prison is no source of terror to him and does him no good. On the contrary, he often wilfully commits offences in order

to be sent to prison. The annual Reports of the Prison Commissioners testify to the large numbers of vagrant offenders who year by year are found in the local prisons and to the difficulties of classification and management caused there by them. It is abundantly clear that prisons as at present existing are unsuitable for vagrants. And as it would be difficult for the prisons to supply differential treatment for different classes, while the terms of imprisonment of vagrant offenders could not be sufficiently lengthened without rendering their punishment more severe than that of more serious offenders, a new class of institution for the treatment of vagrants seems inevitable. The Prison Commissioners in their recent Reports show their desire for such a change.

#### THE ACTION OF MAGISTRATES.

One of the greatest encouragements to vagrancy has been the harmful action of magistrates, whether stipendiaries or justices of the peace, in inflicting short sentences of imprisonment for vagrancy offences. The evidence convinced the committee that these short sentences were not only useless but mischievous.

“As a rule, in the same county the sentences vary from three days to twenty-eight days for such offences as refusing to perform a task of work in a vagrant ward, or destroying clothing. . . . The sentences given by stipendiary magistrates appear to be as little governed by any fixed principles as those inflicted by

the unpaid justices. In one town the local magistrates give a month for casual ward offences, while the stipendiary gives only seven days; consequently, the workhouse authorities, if possible, take proceedings on the days when the local magistrates are sitting" (para. 186). "The same absence of uniformity appears to exist in the decisions of the magistrates sitting in the Metropolitan police courts. . . . In dealing with cases of begging, there seems to be even more variation on the part of the magistrates. While some give fourteen days to a month, others discharge the man on his promising to leave the town. It is hardly necessary to say that, in places where no sentence is given, the police cease to bring cases before the magistrates, and the offence continues unchecked" (para. 187).

The committee came to the conclusion that it would be very undesirable to interfere with the discretion of the magistrates in vagrancy offences by proposing that a minimum sentence of imprisonment should be fixed; but they suggested that in all cases where a magistrate deems it expedient to give a sentence of less than fourteen days, the sentence should be for one day only.

"A sentence for one day means that the prisoner is detained until the rising of the court, and then discharged. Under our proposal this sentence would be a conviction; the conviction would be recorded, and the offender would be warned by the court that on his second or third conviction he would be imprisoned for a considerable period, or (if our later recommendations are accepted) he could be committed for a still longer period of detention in a labour colony as an habitual vagrant. Procedure on these lines would avoid much of the expense and trouble caused by the present practice, and would be far more effectual in checking

vagrancy offences, and we consider it a most necessary part of the scheme which we propose for dealing with habitual vagrants" (para. 196).

Mr. Lloyd Wharton, the chairman of the committee, has pointed out in a letter to the *Times* (10th March, 1906) what a relief to the prisons and what a saving of expense would be brought about by the practical abolition of sentences of fourteen days and under. Thus, during 1904, out of 16,626 persons convicted for begging, no fewer than 13,831 had sentences of fourteen days and under, while out of 6,219 persons convicted for sleeping out, no fewer than 5,198 were similarly sentenced. The expense must run into thousands of pounds, and the results are *nil*; for short sentences are no deterrent to the vagrant continuing his miserable line of life.

#### FREE SHELTERS AND FREE MEALS.

The Report condemns wholesale the system of free shelters and free feeding. If the recommendations are carried out, there should be much less excuse for continuing these demoralising charitable agencies. The committee sum up the evil they do as follows (para. 338):—

1. They encourage vagrancy by making it possible for men to lead an idle life.
2. They attract vagrants into the towns and render the question of unemployment more difficult to deal with.

3. They demoralise the recipients, and lower their standard of living ; and

4. They are a source of positive danger to the community.

#### THE GIVING OF ALMS.

The Report winds up with a condemnation of the giving of alms to vagrants. In Switzerland such almsgiving is punishable by law, and it is a fact that there are very few tramps and beggars in that country. Vagrancy is undoubtedly mainly supported by this indiscriminate almsgiving, for the tramp could not exist without it. If the recommendations of the committee are carried into effect, and the public learn that sufficient provision has been made for the bodily wants of all wayfarers, whether *bonâ fide* or not, every excuse for the practice will be removed.

#### OTHER MATTERS.

The Report contains chapters on the dietaries of labour colonies and casual wards (the committee hoped that the prison would no longer be more attractive to the vagrant than the casual ward) ; on common lodging houses (which they suggested should be brought more under the control and inspection of the police and of local authorities, especially as to sanitary regulations being enforced) ; and on the spread of smallpox by vagrants. As to this last very important matter, they said, " By

a stricter enforcement of the existing law as regards common lodging houses and casual wards, and, in times of epidemics, by more general action of a formal and informal kind, such as we have referred to, much may be done by way of preventing infection. We think also that provision might be made for securing better notification of cases of smallpox occurring in common lodging houses and casual wards. It seems to us that reform in these directions, coupled with the adoption of the general scheme we have suggested for dealing with vagrants, should suffice to secure to the community a more effective and uniform protection than has hitherto existed against tramp-borne disease, and in particular should afford a more satisfactory safeguard against the spread of smallpox by vagrants among persons inadequately protected by vaccination " (para. 37).

#### CONCLUSION.

In conclusion I would once again emphasise the great defect of the present system, in that two separate authorities have to deal with the vagrant class as a whole. The change advocated would be of the utmost value, because the vagrant, whether in a free shelter, or partaking of a free meal, or in an unemployed procession or meeting, or in a common lodging house, or in a casual ward, would at last be brought under the control of one single authority, and the detection of crime and imposture would thus be greatly facilitated. If the main proposals of the

Report are accepted, difficulties of detail can easily be met ; but, whether accepted or not, I think it must be admitted that the committee have at any rate brought the facts together in a way that has never been done before, and that their labours will have not been wasted.

## APPENDIX.

SUMMARY OF RECOMMENDATIONS.<sup>1</sup>*Casual Wards.*

1. Wards to be placed under control of police authority (120-147).
2. Existing buildings, where required, to be rented or purchased by police authority (132-3).
3. Superfluous wards to be discontinued (130, 133).
4. Where practicable, existing officers of wards to be continued in office (135).
5. Where wards adjoin or form part of the work-house, arrangements to be made with the guardians for supply of stores, heating, etc. (134).
6. Diet to be adequate, and provision to be made for mid-day meal on day of discharge (95, 181, 308-10).
7. Task of work to be enforced, and to be a time task (93, 148-9).
8. Detention to be for a minimum of two nights, except in case of men with way-tickets (151-2, 180).
9. Expenses of wards to be charged to the police fund (129, 136, 142).

*Assistance to Work-seekers.*

10. Tickets to be issued by the police to persons who are *bonâ fide* in search of work (178).

<sup>1</sup> The numbers of the paragraphs in the Report referring to the particular recommendations are given in brackets.



